



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 10/02/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.2895 of 2022

Vellaisami

... Petitioner/Accused No.3

Vs

The State rep.by,
The Inspector of Police,
Kamuthi Police Station, Ramanathapuram District.
(Crime No.39/2022)

... Respondent/Complainant

For Petitioner : Mr.K.Selvam,
Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory Bail in Crime No.39 of 2022 on the file of the respondent Police.

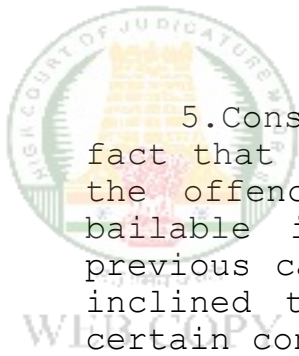
ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 324, 506(ii) I.P.C, in Crime No.39 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 24.01.2022 at 20.30hours, the accused persons assaulted one Rajesh and when the *defacto* complainant was witnessing the occurrence, he interfered and stopped the problems, but the accused persons had abused them with filthy language and assaulted them. Hence, the present complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and not committed any offence and that a false case has been foisted against him. Hence, he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the investigation is not yet completed, that the petitioner is not having any previous case at his credit and that the injured was discharged from the hospital.



5.Considering the facts and circumstances of case and also the fact that the injured was discharged from the hospital, that except the offence under Sections 506(ii) IPC, all other offences are bailable in nature and that the petitioner is not having any previous case for similar or for any serious offence, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kamuthi on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
10/02/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1 THE JUDICIAL MAGISTRATE,
KAMUTHI.

2 THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE
KAMUTHI POLICE STATION, RAMANATHAPURAM DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.K.SELVAM, Advocate (SR-985[I] dated 10/02/2022)

ORDER

IN

CRL OP(MD) No.2895 of 2022

Date :10/02/2022

PNM

MK/VR/SAR.I/16.02.2022/3P/6C